

REMARKS

The applicants appreciate Examiner Gellner's helpful telephone interview on October 11, 2005. In the present application, Claims 1-19 were filed; Claim 3 was canceled; Claims 4, 5, and 17-19 are withdrawn; and Claims 1, 2, and 6-16 stand rejected as obvious over Brick et al. in view of Miller et al.

I. Claims 17-19

Claims 17-19 are herein canceled as being directed to a non-elected invention.

II. Selecting Acreage Based on a Low Risk of Caramelization for a Crop of Cicer Beans.

All of the pending claims, as amended herein, recite selecting acreage based on a low risk of caramelization for a crop of Cicer beans. As discussed in the disclosure of the present application, the risk of caramelization of the Cicer bean is typically not a consideration in commercial dry Cicer bean production. Neither Brick et al. nor Miller et al. teaches or suggests avoiding caramelization of the Cicer beans because those references are directed to the production of dry Cicer beans.

The risk and consequences of caramelization are discussed beginning at page 7, line 20, of the present application, including, for example, "One embodiment of the present invention depicted by FIGURE 1 shows a method that helps select acreage for planting by identifying crop parcels with a reduced risk of caramelization." Claim 1 is herein amended to clarify the intended scope of the present invention that is consistent with the disclosure, *i.e.*, that the acreage to be planted is selected based on a low risk of caramelization. Three exemplary factors relating to the risk of caramelization are discussed in the present application, geographical data, macro climate data, and micro climate data. FIGURE 1 also discloses that the acreage for planting is based on a low risk of caramelization.

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Again, none of the cited prior art teaches or suggests selecting acreage based on a low risk of caramelization. As amended herein, all of the claims include this limitation and the claims are therefore believed to be in condition for allowance.

III. Wherein Substantially All of the Harvested Cicer Beans Are Green Cicer Beans.

The present invention is directed to the commercial production of green Cicer beans. This aspect of the invention is recited throughout the application, including the Title, Field of the Invention, Summary of the Invention, Detailed Description, and Abstract. However, it was noted during the interview with the Examiner that the claims are at least ambiguous, reciting, "A method for the commercial production of green Cicer beans" in the preamble but not in the body of the Claims. It was also understood by the undersigned that, in general, even in the production of dry Cicer beans, some green Cicer beans would inevitably be harvested.

Claim 1 is herein amended to clarify that the method claimed in the present invention is intended to apply to the production of green Cicer beans by adding in the body of Claim 1, "wherein substantially all of the harvested Cicer beans are green Cicer beans."

The cited prior art references teach away from the production of green Cicer beans. For example, Black et al. recites on page 6, first full paragraph:

Direct harvest requires that the crop be uniformly mature and dry prior to combining. Plants that are immature or green at the time of cutting will produce dark, discolored and immature green seed. Dark colored seed reduces quality and cannot be easily removed during the conditioning process (Canevari, 1994). Foliar desiccants can be used to dry the crop and facilitate threshing.

The difference between the commercial production of green Cicer beans, as compared to the commercial production of dry Cicer beans, is important. The commercial production of dry Cicer beans is known in the U.S. and in many countries around the world, as noted on page 2 of the present application, "Commercial cicer bean production has heretofore been limited to dry

beans, typically harvested at about 10% moisture when, for example, the Kabuli-type bean obtains a yellowish cream color." The commercial production of green Cicer beans, however, is a very different undertaking, requiring different agronomic procedures and producing a very different crop from the dry Cicer bean.

As discussed in the present application, when producing green Cicer beans it is important to avoid the caramelization of the Cicer beans (see page 7, lines 21 *et seq.*). In (prior art) dry Cicer bean production, the Cicer beans are allowed to caramelize prior to harvesting. Preventing caramelization is generally not a consideration in dry Cicer bean production (see discussion beginning at the top of page 3 of the present application). In contrast, to produce green Cicer beans it is important to harvest the product at the appropriate time in a relatively earlier stage of the Cicer bean development. It is therefore important in green Cicer bean production to select acreage based on the relative risk of caramelization and to time the harvest of the Cicer beans to avoid caramelization. These aspects of the present invention are emphasized in all of the pending claims, as amended herein.

CONCLUSION

Claims 17-19 are herein canceled and, therefore, Claims 1, 2, and 4-16 are pending, with Claims 4 and 5 being withdrawn as directed to a non-elected species. Claim 1 is the only pending independent claim. As amended herein, Claim 1 recites a method for the commercial production of green Cicer beans including (i) selecting acreage based on a low risk of caramelization, and (ii) wherein substantially all of the harvested Cicer beans are green Cicer beans. These aspects of the invention are not taught or suggested by the prior art, which is directed to the production of dry Cicer beans. Claim 1 is therefore believed to be patentably distinguishable over the prior art and in condition for allowance. Claims 2 and 4-16 are also

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believed to be patentable, as depending from an allowable base claim. Entry of the amendments and a favorable disposition are respectfully requested.

The Examiner is encouraged to call the undersigned if there are any remaining questions or issues regarding the present application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

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